

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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BERNARD CAMPBELL,

Plaintiff,

v.

JAMES GIBB, et al.,

Defendants.

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HON. JEROME B. SIMANDLE

Civil No. 10-6584 (JBS/JS)

**ORDER**

Presently before the court is Plaintiff Bernard Campbell's motion for default judgment as to Eric Holder, United States Attorney General [Docket Item 37]. Fed. R. Civ. P. 55 provides that default may be entered "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend." Eric Holder was not sued as a defendant in this case; rather he was required to be served with a copy of a summons and the Amended Complaint pursuant to Fed. R. Civ. P. 4(i) because the Plaintiff brought this action against officers of the United States. Consequently, as Eric Holder is not a party to this suit, he was not required to respond to the Plaintiff's complaint and default cannot be entered against him.

WHEREFORE IT IS this 12th day of **September, 2012** hereby

ORDERED that Plaintiff's motion for default judgment [Docket Item 37] will be denied.

**s/ Jerome B. Simandle**

JEROME B. SIMANDLE

Chief U.S. District Judge